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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,747	03/22/2002	Eric C. Edwards	17723-US-NP	8800

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CANADA

EXAMINER

PIZIALI, JEFFREY J

ART UNIT	PAPER NUMBER
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2629

DATE MAILED: 10/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.

10/088,747

Examiner

Jeff Piziali

Applicant(s)

EDWARDS, ERIC C.

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 10 August 2006 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
 - ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
 - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☒ 3. Amendments to the drawings:
 - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☒ C. Other See Continuation Sheet.
- ☐ 4. Amendments to the claims:
 - ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable

Telephone No.

Continuation of 3(c) Other:

Firstly the applicant is graciously thanked for the 'Response' filed 10 August 2006; in particular, for the complimentary comments pertaining to the diligence of the earlier 'Notice of Non-Compliant Amendment' (mailed 11 July 2006) provided in the 'Remarks' section of said 'Response.' Unfortunately, several more seemingly non-compliant amendments have been discovered in the 'Response' filed 10 August 2006, requiring further attention before examination (including rejection and consideration of any submitted Information Disclosure Statements) may once again continue.

37 C.F.R. § 1.121(d) requires, "Any changes to an application drawing must be in compliance with § 1.84 and must be submitted on a replacement sheet of drawings which shall be an attachment to the amendment document and, in the top margin, labeled 'Replacement Sheet'. Any replacement sheet of drawings shall include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is amended. Any new sheet of drawings containing an additional figure must be labeled in the top margin as 'New Sheet'. All changes to the drawings shall be explained, in detail, in either the drawing amendment or remarks section of the amendment paper."

In contrast, the 'Response' filed 10 August 2006 improperly seeks to amend the originally submitted label of Figure 3 from "Nominal display of image" to "NORMAL DISPLAY OF IMAGE," without explaining in detail in either the drawing amendment or remarks section of the amendment paper that such drawing changes are being made. The applicant is respectfully invited to explain whether this alteration constitutes yet another unintentional typographical error, or rather an intentional amendment to Figure 3's title.

The 'Response' filed 10 August 2006 states, "The Examiner was correct with regard to Figure 3b, in that the top of the image should coincide with the dashed line. This has been corrected. In Figure 3c, the solid line representing field of view should be a dashed line as was the case in the original Figure 3c, and this has also been corrected" (see Page 10, Paragraph 4).

However, contrary to the above remarks, Figure 3b (as submitted 10 August 2006) still does not illustrate the top of the image coinciding with the dashed line. Additionally, Figure 3c (as submitted 10 August 2006) still does not illustrate the field of view as a dashed line. In fact, despite the applicant's remarks to the contrary, both Figures 3b and 3c (as submitted 10 August 2006) look virtually no different than they did in the immediate previous non-compliant copy of the drawings (filed 24 April 2006). Despite the back-to-back repetition of these particular two issues of non-compliance, and although a more "pedantic" examiner might tend to disagree, this examiner considers the 'Response' filed 10 August 2006 to constitute a bona fide reply.

Please note: The amendments have not been checked to the extent necessary to determine the presence of all possible non-compliance errors. If additional issues of non-compliance are discovered at the time of a subsequent amendment, yet another Notice of Non-Compliant Amendment will be necessitated. Applicant's cooperation is respectfully requested in correcting any other errors of which applicant may become aware.



Jeff Piziali
20 October 2006